SUBJECT No. 5.

Levy of court fees in village courts.

Note placed before the Assembly by Government.—There is a persistent demand for fresh village courts and for extending the jurisdiction (both pecuniary and territorial) of the existing ones. Institutions in almost all these courts are on the increase, and as a natural consequence there is a demand for clerical assistance.

At present the number of village courts is 31 in Municipalities and 173 in villages. A clerk on Rs. 10 for the former and on Rs. 5 for the latter courts would involve an expenditure of Rs. 1,175 per month or Rs. 13, 100 per year. Under the Regulation no court fees are leviable on suits filed in the Village Courts. Sanction of clerks, though on the modest scale referred to above, would mean heavy extra cost, in addition to the loss already incurred by the non-levy of court fees.

It is reasonable to expect that these courts should be self-supporting. It is therefore for consideration whether court fees at a lower rate than is ordinarily chargeable under the Court Fees Regulation might be levied on plaints filed in these courts.

Discussion on the subject.—It was explained that under the existing regulation no court fees can be levied on suits in village courts, and that Government find it necessary to impose the fees.

When one of the Assembly members wanted to know what fees are going to be levied and other details, it was explained that if the members were agreeable to the proposal the details would be worked out. It was also explained that Government were not going to levy the full fees ordinarily leviable under the Court Fees Regulation, but to start with, they would impose one-quarter of such fees. Government would not have brought this question up, had it not been for the great demand for clerical staff in these courts, where the work had been steadily increasing. The proposal is to levy these fees so that a clerical staff may be appointed from funds realised by this levy.

Almost all the members of the Assembly agreed to the proposal.

SUBJECT No. 6

Introduction of the Irrigation Act in Mysore.

Note placed by Government before the Assembly.—The construction of large irrigation works, like the Vani Vilas Sagara and the Krishnarajasagara, has made it very necessary to take suitable steps for their efficient management and to secure economy in the distribution and use of water. The existing rules which were framed to meet the condition of small tanks and channels affcting the interests of a single village or of a few neighbouring villages have been found to be altogether inadequate in the case of these large works impounding vast quantities of water and affecting the interests of a considerable number of villages, and of a large number of raiyats and landholders both resident and non-resident.

In the case of the smaller and older works, the distribution of water can, without serious inconvenience, be left to the raiyats themselves, although even here, there has been a great waste of water. But in the case of large works, regulation of supply and distribution of water cannot possibly be left to the rayats. Special steps are, therefore, necessary to govern these.

The need for the utmost economy in the use of water when it has to be supplied from large storage works, as in

the case of the Krishnarajasagara and the Vani Vilas Sagara, constructed at heavy cost, is too obvious to require an elaborate explanation. The system of regulation and control of supply should be such as to enable the largest possible extent being irrigated in the interests of both Government and the cultivators.

(1) In such cases, special rules in the matter of the regulation and distribution of water and the maintenance of the works in an efficient condition are necessary.

(2) There are no facilities for rapid extension of existing water courses or for construction of new ones, also for works for purposes of drainage.

(3) Labour for canal clearance is not always available and considerable difficulty is met in securing it.

(4) When serious breaches or sudden damages occur, the measures necessary to cope with the situation have to be provided for.

(5) There is no provision in the existing rules under which an officer in charge of channels can enter upon any land, the property of a raiyat, either in connection with regulation of water, or for material in case of an accident.

With a view to remove these disabilities and to give greater power to Government, introduction of new legislation on the lines in force in British India is contemplated. Accordingly, a draft bill has been prepared following the Bombay Irrigation Act. Sufficient safeguards are provided against improper exercise of the powers conferred, or vexatious enforcement of the provisions.

It is proposed to make the bill applicable to selected areas only and to the Cauvery and the Vedavathi valleys in the first instance.

The opinion of the members of this Assembly on the proposal to introduce such a legislative measure in the State is invited.

Discussion on the subject—Mr. Karnick Krishnamurti Rao.—For the discussion of this subject the draft has to be gone through and considered by the members of the Assembly.

Dewan.—The draft will be published in the Gazette. The general principles may be discussed now, as also whether the Assembly is in favour of the introduction of the Act.

Mr. Krishna Sastri.—I understand that it is contemplated to introduce the Act under Krishnarajasagara and Vani Vilas Sagara channels in the first instance. On account of the existing conditions under the Vani Vilas Sagara, it does not seem to be desirable to bring the Act into effect in those parts immediately, as the cultivators require every encouragement for some time to come so that irrigation might be developed in the tract.

First Member of Council.—The intention in the proposed introduction of the Act, is not to place obstructions in the way of the cultivators but to afford the facilities, and at the same time guard the interests of Government.

Mr. Krishna Sastri.—I am aware that it is not the intention of Government to inconvenience the raiyats by the introduction of the proposed Act but it is likely to scare the prospective raiyat. It may be deferred for some years to come. Even under the old channels raiyats have not

understood the value of water. For decades past they are used to the practice of profusely watering crops they grow, and restrictions in this direction would not be welcome to them. Under Krishnarajasagara also introduction of the Act may be deferred. People have to be first educated to the economical use of water and encouraged to grow commercial crops so that they may know the large benefits they can derive from the proper use of water. When the raiyats understand the value of water they will not waste it. It is necessary to educate the people in this respect and create competition among them.

Mr. Karnick Krishnamurti Rao.—This is the first instance of the Representative Assembly being consulted with regard to the passing of a bill before the bill is placed before the Legislative Council. On behalf of the members of this house I thank Government very much for the honour they have done; and we hope that future bills will all be discussed here before they are taken up at the Legislative Council. I agree with what Mr. Krishna Sastri said. Waste of water has to be prevented. It seems to be better to introduce the Act after five years.

Mr. C. Vasudeva Rao.—The members who have spoken so far are those who own lands under the channels and belong to the Mysore District. Under these channels all lands, however distant they may be situated from the main channel, receive good supply of water. It is not so in other parts of the State. The lands situated very near the tank receive good supply of water while those at a distance will not receive any supply of water unless the tank is full. The difficulties of the poor are great in this respect and their repeated representations are not heeded. There is a lot of trouble in obtaining fair distribution of water among the several cultivators and it would be better if measures are introduced early.

Mr. Purushottama Anandagiri Goswami.—Even in Mysore District, the lands under the main channels are well supplied with water, but those lands which are situated below the branch channels and under tanks which are situated at a distance are not receiving proper supply. The assessment imposed on these lands are uniform irrespective of their situation. I think it is very necessary to provide some restrictions in the proposed bill. The introduction of the Act will facilitate raiyats at the tail-end getting adequate supply. Further there are a number of tanks which have grown useless and under which no crop is raised. Though the raiyats have been repeatedly representing to the authorities concerned to recover from them only dry assessment from the lands to which water is not supplied, their prayers have not been answered. Arrangements may kindly be made to publish the draft bill in the Gazette before it is brought up for discussion at the Dasara Session of the Assembly and a copy of it sent to each member of this Assembly in advance.

Reply of Government.— The draft bill will be given a wide publication in the Gazette, and brought up for discussion at the next Assembly.